

RECEIVED
FISH AND GAME
COMMISSION

2022 MAY 31 PM 1:22

Tracking Number: (2022-08)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Pat Sweeney

Address: [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: fish and game code sections 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750 AND public resources code sections 36725(a) and 36725(e)**3. Overview (Required) - Summarize the proposed changes to regulations: Change the boundaries of the Ten Mile Estuary State Marine Conservation Area.****4. Rationale (Required) - Describe the problem and the reason for the proposed change: I own the property by deed which FGC has included in the map of the Ten Mile Estuary State Marine Conservation Area. My neighbor was at the meetings to establish the MPAs and the Fish and Game staff were made aware that the estuary was privately owned and I thought the map was corrected. I only found out that my private property was included in the map of the MCA at Ten Mile when I picked up a pamphlet at our local fish and game office. Further a conservation easement has already been granted on these lands through NRCS Wetlands Reserve Program in perpetuity, recorded 3/28/2016.**



SECTION II: Optional Information

5. **Date of Petition:** 5/22/2022

6. **Category of Proposed Change**

☐ Sport Fishing

☐ Commercial Fishing

☐ Hunting

X Other, please specify: Change MPA boundaries for the Ten Mile River Estuary SMCA

7. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)

X Amend Title 14 Section(s): []

☐ Add New Title 14 Section(s): [Click here to enter text.]

☐ Repeal Title 14 Section(s): [Click here to enter text.]

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.]

Or. X Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: ASAP

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: MAPS AND PHOTOS

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: NO KNOWN IMPACTS

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

[N/A – JUST CHANGE YOUR MAPS]

SECTION 3: FGC Staff Only

Date received: 05/31/2022

FGC staff action:

☒ Accept - complete

☐ Reject - incomplete

☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: []

Meeting date for FGC consideration: []

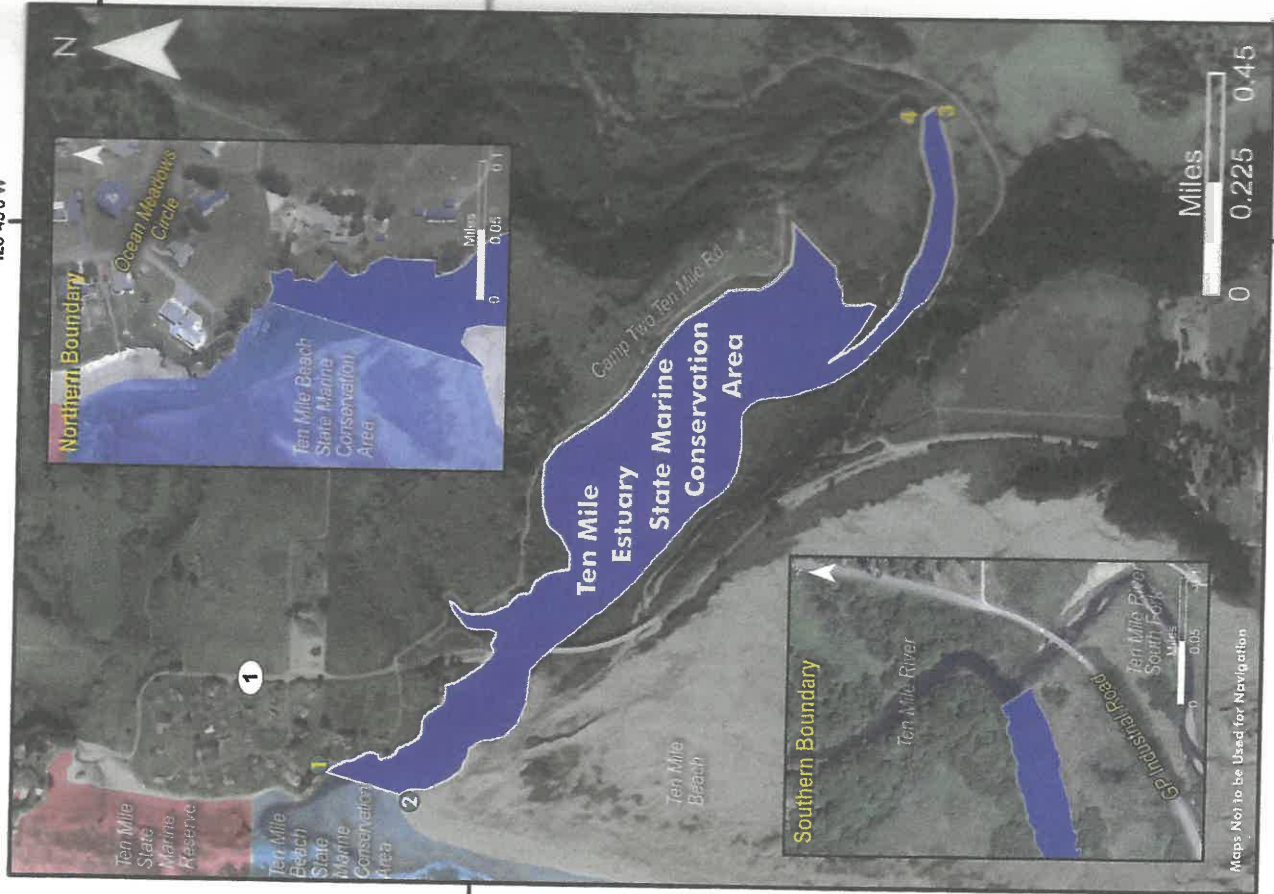


FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition
Tracking Number
- ☐ Granted for consideration of regulation change

Ten Mile Estuary State Marine Conservation Area

123°45'0"W



N.0.03.66

123°45'0"W

Ten Mile Estuary State Marine Conservation Area Boundary and Regulations from California Code of Regulations Title 14, Section 632 subsection (b)(21)

Boundary:

(A) This area consists of waters below the mean high tide line within the Ten Mile Estuary, eastward of a line connecting the following two points:

- 39° 33.199' N. lat. 123° 45.966' W. long. ①; and
- 39° 33.098' N. lat. 123° 46.003' W. long. ②

And westward of a line connecting the following two points:

- 39° 32.400' N. lat. 123° 44.785' W. long. ③; and
- 39° 32.382' N. lat. 123° 44.769' W. long. ④

Permitted/Prohibited Uses:

(B) Take of all living marine resources is prohibited except:

1. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(21) of these regulations and shall comply with all other existing regulations and statutes:
 - Big Valley Band of Pomo Indians of the
 - Big Valley Rancheria
 - Caho Indian Tribe of the Laytonville Rancheria
 - Coyote Valley Band of Pomo Indians
 - Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria
 - Guidiville Rancheria
 - Habematolel Pomo of Upper Lake
 - Hopland Band of Pomo Indians of the Hopland Rancheria
 - Lower Lake Rancheria
 - Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria
 - Middletown Rancheria of Pomo Indians
 - Pinoleville Pomo Nation
 - Potter Valley Tribe
 - Redwood Valley Rancheria of Pomo Indians
 - Robinson Rancheria of Pomo Indians
 - Round Valley Indian Tribes of the Round Valley Reservation
 - Scotts Valley Band of Pomo Indians
 - Sherwood Valley Rancheria of Pomo Indians

2. Take pursuant to activities authorized in subsection 632(b)(21)(D) is allowed.

(C) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

(D) Operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

See page 6 of this guide for general rules regarding tribal take.

RECORDING REQUESTED BY:

LAURA W. PATTON
Attorney at Law
21 C Orinda Way, # 180
Orinda, CA 94563-2531

**MAIL TAX STATEMENTS TO &
WHEN RECORDED MAIL TO:**

PATRICE SWEENEY
32000 Camp #2, Ten Mile Road
Fort Bragg, CA 94537

2018-15043

Recorded at the request of:
LAURA W. PATTON
12/03/2018 04:23 PM
Fee: \$19.00 Pgs: 1 of 3

OFFICIAL RECORDS
Susan M. Ranochak - Clerk-Recorder
Mendocino County, CA



SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor declares: Documentary transfer tax is \$ -0-
() Revocable trust - Grantee is trust for benefit of Grantor(s), exempt from reappraisal under R&T Code 1193C.
() Computed on full value of property conveyed.
() Computed on full value less value of liens or encumbrances remaining at time of sale.
(X) Unincorporated area () City of

(X) Real property not sold.

APN: 015-130-58; 015-140-56;
069-010-19; 069-020-01

GRANT DEED

FOR NO CONSIDERATION, I, PATRICE SWEENEY, Trustee of the TEN MILE RANCH TRUST dated March 18, 2010,

GRANT to PATRICE SWEENEY, an unmarried person,

that real property in the unincorporated area, County of Mendocino, State of California, described as follows:

SEE EXHIBIT A attached and incorporated in this document by this reference.

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

Dated 11-27-2018

Patrice Sweeney
PATRICE SWEENEY, Trustee
TEN MILE RANCH TRUST dated March 18, 2010

On November 27, 2018, before me Linda Heasell,
Notary Public, personally appeared PATRICE SWEENEY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Linda Heasell
Signature of Notary Public

(This area for official notarial seal.)
MAIL TAX STATEMENTS AS DIRECTED ABOVE

32000 Camp #2, Ten Mile Road
Fort Bragg, California 94598

APN: 015-130-58; 015-140-56;
069-010-19; 069-020-01

EXHIBIT A

That portion of the following described real property lying within the lands described in the Patent recorded in Book 2 of Patents, Page 490 and/or Page 517, and Mendocino County Records:

BEGINNING at the 1/4 Section corner between Sections 34 and 35, Township 20 North, Range 17 West, Mount Diablo Meridian; thence from said point of beginning South 1° West and along the East line of said Section 34, a distance of 1577.25 feet to a point in the center of the present channel of Ten Mile River, from which point an alder tree 8 inches in diameter marked J.F.B.T. bears North 58° 05' East 57.45 feet; thence South 87° 20' 30" West and along the center of the present channel of said river 174.20 feet; thence South 74° 22' West 166.24 feet; thence South 85° 47' West 581.30 feet; thence North 76° 19' 45" West 262.29 feet; thence North 55° 25' West 709.24 feet; thence North 84° 39' 30" West 378.97 feet; thence North 81° 27' West 678.26 feet; thence North 56° 23' West 793.12 feet to a point from which an alder tree 8 inches in diameter marked J.F.B.T. bears North 69° East 55.55 feet; thence North 85° 51' West 202.99 feet; thence South 58° 45' West 357.18 feet; thence South 30° 55' West 144.31 feet; thence South 2° 05' East 458.19 feet; thence South 1° 13' West 359.80 feet to an iron pipe; thence South 66° 33' West 597.37 feet to the bank of said river; thence South 75° 37' West and along the Northerly bank of said river 142.43 feet; thence North 87° 06' West 236.70 feet; thence South 57° 28' West 164.64 feet; thence South 29° 26' East 415.15 feet; thence South 2° 52' East 188.66 feet; thence South 3° 31' East 330.94 feet; thence South 24° 14' East 586.54 feet; thence South 23° 01' East 82.36 feet; thence South 32° 48' East 105.71 feet; thence South 19° 48' East 259.48 feet; thence South 22° 09' East 107.63 feet; thence South 37° 43' East 189.87 feet; thence South 11° 39' East 244.90 feet to an iron pipe; thence South 57° 18' West 265.90 feet; thence South 55° 09' West 266.96 feet; thence South 88° 00' 30" West 519.68 feet to an iron pipe; thence North 67° 44' 30" West 399.98 feet; thence North 70° 18' West 225.03 feet; thence North 71° 27' West 77.05 feet; thence North 62° 42' West 78.14 feet; thence North 56° 31' West 171.36 feet; thence North 49° 19' West 164.17 feet; thence North 42° 36' West 160.20 feet; thence North 24° 05' West 233.82 feet; thence North 7° 03' West 418.95 feet; thence North 16° 34' West 212.20 feet; thence North 50° 42' West 218.90 feet to an iron pipe; thence North 67° 03' West 226.23 feet to an iron pipe; thence North 79° 03' West 343.77 feet to an iron pipe; thence North 44° 58' West 698.61 feet to an iron pipe; thence North 39° 41' West 313.85 feet to an iron pipe; thence North 35° 45' West 456.58 feet to an iron pipe; thence North 26° 31' West 742.88 feet to an iron pipe; thence North 72° 21' West 171.52 feet; thence North 82° 09' West 200.99 feet; thence North 64° 56' West 47.24 feet; thence North 43° 18' West 66.93 feet to an iron pipe; thence North 35° 17' West 236.95 feet to the West line of the Northeast quarter of Southwest quarter of Section 33, Township 20 North, Range 17 West, Mount Diablo Meridian; thence North 0° 44' East and along the West line of the

32000 Camp #2, Ten Mile Road
Fort Bragg, California 94598

APN: 015-130-58; 015-140-56;
069-010-19; 069-020-01

EXHIBIT A, page 2 of 2

Northeast quarter of Southwest quarter of said Section 33, a distance of 1164.14 feet to a redwood stake having been set for the Northwest corner of the Northeast quarter of Southwest quarter of said Section 33; thence Easterly and along the centerline of Sections 33 and 34, a distance of 9120.07 feet to the point of beginning.

EXCEPTING therefrom the following:

1. That portion described in the deed to the County of Mendocino, recorded February 3, 1916, in Book 118 of Deeds, Page 345, Mendocino County Records.
2. That portion described in the deed to the State of California, recorded March 9, 1953, in Book 339 of Official Records, Page 358, Mendocino County Records.
3. That portion describe in the deed to Redwood Empire Title Company of Mendocino County, recorded January 30, 1973, in Book 913 of Official Records, Page 464, Mendocino County Records.
4. That portion described in the deed to the State of California, recorded June 3, 2005, as 2005-11907, Mendocino County Records.
5. The easements described in the deed to the United States of America, recorded March 28, 2016, as 2016-03594, Mendocino County Records.

WARRANTY EASEMENT DEED IN PERPETUITY

WETLANDS RESERVE PROGRAM
EASEMENT
NO. 6691041301D6H

THIS WARRANTY EASEMENT DEED is made by and between
Patrice Sweeney, as Successor Trustee of the Ten Mile Ranch Trust of 3200 Camp #2, Ten Mile Road
Fort Bragg, CA 95432 (hereafter referred to as the "Landowner"),
Grantor(s), and the UNITED STATES OF AMERICA, by and through the Commodity
Credit Corporation (CCC) (hereafter referred to as the "United States"), Grantee. The
Landowner and the United States are jointly referred to as the "Parties". The acquiring
agency of the United States is the Natural Resources Conservation Service (NRCS),
United States Department of Agriculture.

Witnesseth:

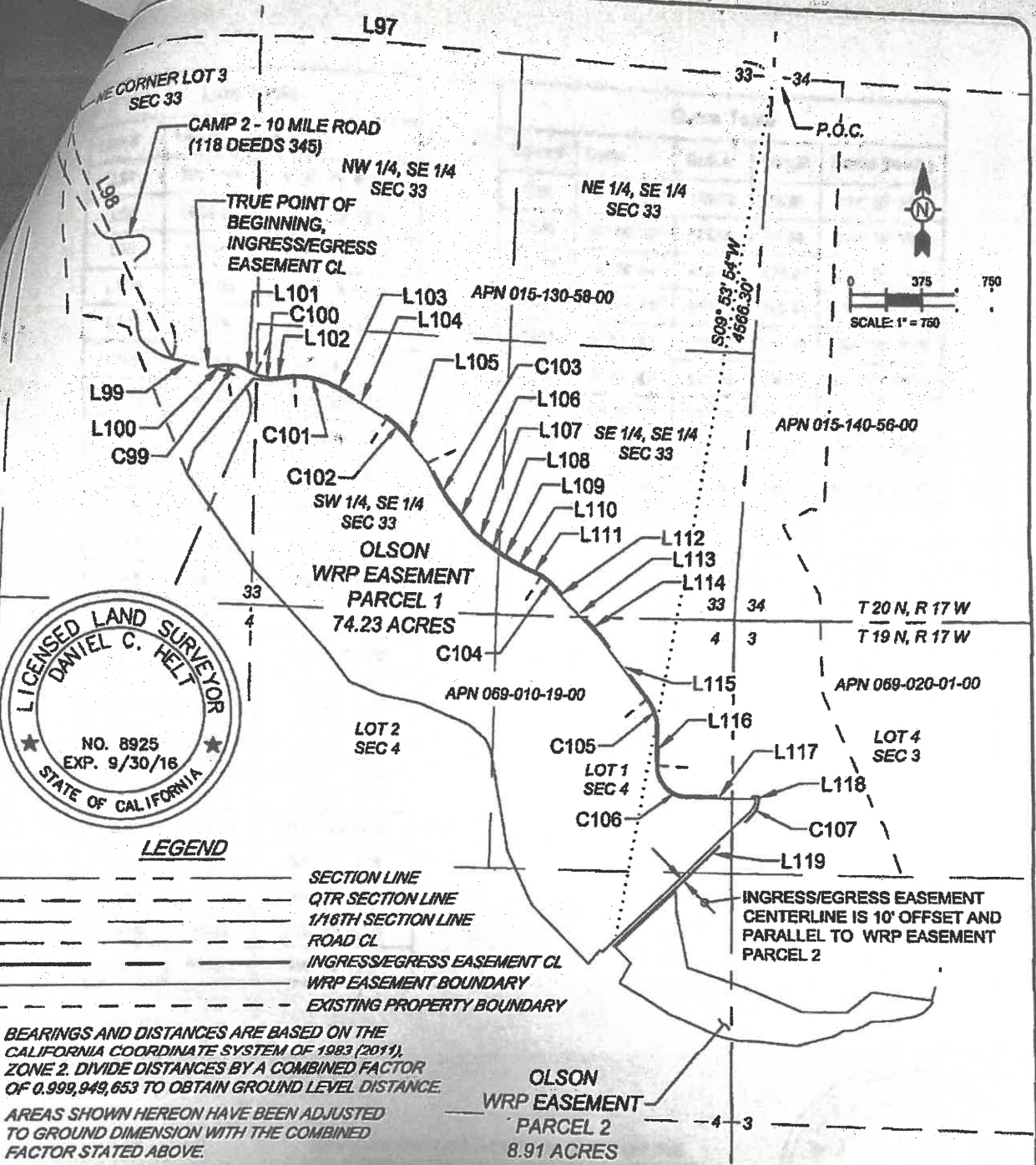
Purposes and Intent. The purpose of this easement is to restore, protect, manage, maintain, and enhance the functional values of wetlands and other lands, and for the conservation of natural values including fish and wildlife and their habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetic values, and environmental education. It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the easement area. By signing this deed, the Landowner agrees to the restoration of the Easement Area and grants the right to carry out such restoration to the United States.

Authority. This easement deed acquisition is authorized by Title XII of the Food Security Act of 1985, as amended (16 U.S.C. §3837), for the Wetlands Reserve Program.

NOW THEREFORE, for and in consideration of the sum of Six Hundred Fifteen Thousand, Two Hundred Thirty-Six and 00/100 Dollars (\$ 615,236.00), the Grantor(s), hereby grants and conveys with general warranty of title to the UNITED STATES OF AMERICA and its assigns, (the Grantee), in perpetuity, all rights, title and interest in the lands comprising the easement area described in Part I and appurtenant rights of access to the easement area, but reserving to the Landowner only those rights, title, and interest expressly enumerated in Part II. It is the intention of the Landowner to convey and relinquish any and all other property rights not so reserved. This easement shall constitute a servitude upon the land so encumbered; shall run with the land for the duration of the easement; and shall bind

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LEGEND


- SECTION LINE
- QTR SECTION LINE
- 1/16TH SECTION LINE
- ROAD CL
- INGRESS/EGRESS EASEMENT CL
- WRP EASEMENT BOUNDARY
- EXISTING PROPERTY BOUNDARY

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (2011), ZONE 2. DIVIDE DISTANCES BY A COMBINED FACTOR OF 0.999,949,653 TO OBTAIN GROUND LEVEL DISTANCE.

AREAS SHOWN HEREON HAVE BEEN ADJUSTED TO GROUND DIMENSION WITH THE COMBINED FACTOR STATED ABOVE.



SECTION 33, TOWNSHIP 20 NORTH AND SECTIONS 3 AND 4, TOWNSHIP 19 NORTH, RANGE 17 WEST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA

 TETRA TECH www.tetrattech.com 885 Aerovista Place, Suite 230 San Luis Obispo, California 93401 (805) 542-8052	NRCS BOUNDARY SURVEY OLSON MENDOCINO COUNTY, CALIFORNIA 20' INGRESS/EGRESS ROAD EASEMENT #66-9104-3-610	Project No.: 100-SWW-31643 Date: 10/24/2014 Designed By: MAL Exhibit "B"
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Bar Measures 1 inch

Copyright Tetra Tech

10/24/2014 12:03:02 PM - L:\2013\100-SWW-TS1643 FY13 NRCS\CADD\SURVEY\1610-OLSON\TASK 4 EXHIBITS\C3D\610-OLSON\TASK 4 EXHIBIT-B.DWG - LEE, MICHAEL

Line Table

Line #	Length	Direction
L97	3917.50	N88° 13' 48"W
L98	1808.00	S26° 23' 12"E
L99	182.40	S78° 29' 11"E
L100	100.00	N85° 06' 04"E
L101	68.76	S65° 29' 52"E
L102	99.44	N82° 33' 41"E
L103	99.89	S65° 50' 02"E
L104	250.36	S60° 29' 42"E
L105	199.68	S41° 34' 19"E
L106	200.79	S39° 38' 19"E
L107	84.56	S51° 30' 44"E
L108	88.23	S54° 22' 53"E
L109	83.27	S59° 50' 43"E
L110	86.87	S63° 17' 33"E
L111	85.09	S65° 54' 15"E
L112	129.27	S42° 29' 19"E
L113	129.90	S47° 24' 02"E
L114	90.06	S45° 38' 49"E
L115	426.31	S37° 43' 47"E
L116	186.11	S02° 17' 57"E
L117	375.79	S89° 10' 28"E
L118	10.00	S00° 49' 32"W
L119	991.22	S46° 00' 11"W

Curve Table

Curve #	Delta	Radius	Length	Radial Bearing
C99	29° 24' 04"	150.00	76.97	S04° 53' 56"E
C100	31° 56' 27"	175.00	97.56	N24° 30' 08"E
C101	23° 36' 54"	419.53	172.91	S03° 29' 14"E
C102	13° 52' 44"	453.75	109.91	S32° 35' 17"W
C103	8° 57' 00"	1390.18	217.16	N64° 21' 30"E
C104	9° 41' 39"	527.42	89.24	S33° 32' 04"W
C105	42° 35' 56"	251.20	186.77	S51° 01' 24"W
C106	92° 40' 07"	155.94	252.21	S87° 30' 38"E
C107	45° 10' 39"	132.80	104.71	N89° 10' 28"W

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (2011), ZONE 2. DIVIDE DISTANCES BY A COMBINED FACTOR OF 0.999,949,653 TO OBTAIN GROUND LEVEL DISTANCE.



Natural Resources Conservation Service
United States Department of Agriculture



TETRA TECH

www.tetrattech.com

885 Aerovista Place, Suite 230
San Luis Obispo, California 93401
(805) 542-9052

NRCS BOUNDARY SURVEY

OLSON
MENDOCINO COUNTY, CALIFORNIA
20' INGRESS/EGRESS ROAD EASEMENT
#66-9104-3-610

Project No.: 100-SWW-31643

Date: 10/24/2014

Designed By: MAL

Exhibit
"B"

Copyright: Tetra Tech

Bar Measures 1 Inch

Olsen WRP Conservation Easement Ten Mile



NRCS Signs placed by surveyors at the mean high tide mark

NRCS Signs circled in red

Camp 2 Ten Mile Road



Google Maps ten mile estuary mendocino calif

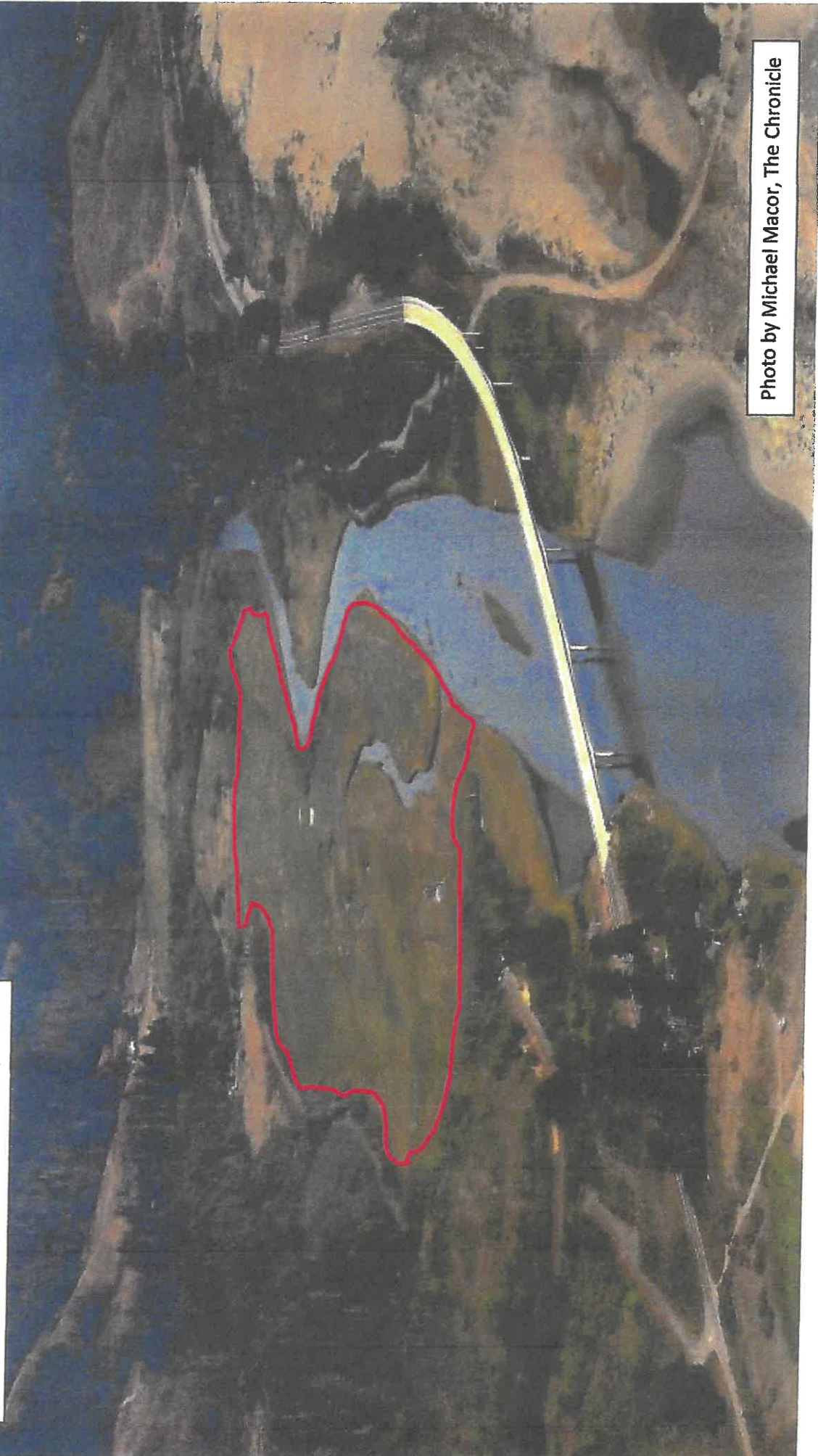



Imagery ©2017 Google. Map data ©2017 Google
United States 500 ft

Compare this to the map in the N. Calif MPAs guidebook

Ten Mile Estuary - Area roughly outlined in red is a NRCS Conservation Easement on private property that is apparently mostly freshwater marsh with no tidal influence (except for the small stream). Also refer to map on next page.

Photo by Michael Macor, The Chronicle



From: Judy Vidaver indigoa@mcn.org 
Subject: Ten Mile River MPA
Date: August 19, 2020 at 9:57 AM
To: Patrice Sweeney sweeney59@sbcglobal.net



To Whom It Concerns,

It has come to my attention that the MPA designated in the California Fish & Wildlife publication " Guide to the Northern California Marine Protected Areas" April 2017 for the Ten Mile River is incorrectly identified. On page 54 of that document, the map for the "Ten Mile Estuary State Marine Conservation Area" includes the entire northern wetlands as part of that MPA.

Having attended all meetings and participated in the process for designations of the Northern California MPAs I know this is incorrect because at the time of the final approval of the MPAs, only the main stem of the Ten Mile River was intended to be a MPA. Additionally, I was paying acute attention to this specific destination as I am a resident of Ten Mile Ranch which borders the northern edge of this MPA.

How and when the map was changed to include the wetland I do not know. But I do know that was not the intent of the committee that worked very hard to establish the boundaries of these MPAs.

⁶ Signed, Judith Vidaver, former Chair of the Ocean Protection Coalition